
EXHIBIT A

ERIK MERCER, L.C.S.W

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November 13, 2020

Amy Gallicchio, Esq.
Julia Gatto, Esq.
Assistant Federal Defenders
Federal Defenders of New York
52 Duane Street, 10th Floor
New York, New York 10007

RE: United States v. Akayed Ullah
18 CR 16 (RJS)

Dear Ms. Gallicchio and Ms. Gatto:

This report is submitted on behalf of Akayed Ullah in advance of his sentencing before the Honorable Richard J. Sullivan on December 14, 2020. This submission provides detailed information about Mr. Ullah's developmental and psychosocial history. In preparation for this report, eighteen interviews were conducted with Mr. Ullah at the Metropolitan Correctional Center in New York. Interviews were also conducted with members of Mr. Ullah's family and community.

PERSONAL BACKGROUND

Early childhood

Mr. Ullah was born at home in the small, island community of Sandwip, Bangladesh. The second of five children born to the union of Dilruba Begum and Sana Ullah, Mr. Ullah has two older siblings and two younger siblings. Life on Sandwip was simple: it's remote location fostered tight bonds between residents, and the long and often harrowing boat ride to mainland Bangladesh meant that people in Sandwip tended to remain on the island and look to one another for support and community.

The environment within Mr. Ullah's family mirrored the closeness of the community that surrounded it. Mr. Ullah's parents had a loving relationship and the home was free of major conflicts. The political and religious culture within Mr. Ullah's family was informed by his father's strong support of the Bangladesh Awami League (AL), one of the two major political parties in Bangladesh since the country's independence from Pakistan. Mr. Ullah's father was a freedom fighter in the 1971 Indo-Pakistani War, and he was a staunch supporter of secular government and held moderate religious beliefs. The family identified as Hanafi Sunni Muslims and Mr. Ullah attended mosque services when he was a child, but it was something he remembers as primarily a social activity. Mr. Ullah's parents did not talk about religion at home and it was a peripheral part of his daily life.

Mr. Ullah's father was a beloved member of his community. Mr. Ullah's older brother, Ashan, recalls that most people referred to him as "uncle" because of his emotional accessibility and exceptional willingness to help people in need. Described by his family as a calm and exceedingly honest man, Mr. Ullah's father was trusted to such an extent that people in the community often gave him money to hold for them because they knew he would keep it safe.

When Mr. Ullah was four years old, his father required gastro intestinal surgery and traveled to Dhaka for treatment. Concerned about the lack of medical care in Sandwip, Mr. Ullah's mother made the decision to move the entire family to Dhaka following her husband's surgery. Mr. Ullah and his family moved into the apartment of his mother's sister, Sofia Begum. Mr. Ullah's brother, Ashan, recalls that the adjustment from the small Sandwip village of Musapur to the busy city of Dhaka was hard. The community that the children had known was small and tight knit – a sharp contrast to the busy, sprawling city of Dhaka. Mr. Ullah's father's illness prevented him from working and so the family financial situation was strained. Mr. Ullah and his family remained in Ms. Begum's apartment for two years until his father was able to work again.

Mr. Ullah's mother remembers the years following her husband's surgery as a period of emotional and financial hardship. His return to work provided some relief, but the family continued to struggle. Mrs. Ullah recalls that, even as a young child, Mr. Ullah was particularly sensitive to the challenges she faced while caring for her husband and her family. Mrs. Ullah fondly remembers Mr. Ullah's attempts to prepare meals for the family to lessen her burden.

Despite his father's illness and gradual recovery, Mr. Ullah remembers his childhood in Dhaka as a happy one. Mr. Ullah had a group of good friends and, while he was not an exceptional student, he enjoyed school. Mr. Ullah recalls feeling free when he was young; he enjoyed the trust of his parents and was allowed spend his time how he wanted. Mr. Ullah's father valued education above all else for his children and did not allow his sons to work in his grocery store so they could focus on their schoolwork. Ashan describes his father as a "hero" because of his commitment to caring for the household so his children had time to devote to their studies. Mr. Ullah recalls that though the educational system was not strong, his father remained adamant about providing his children with the opportunity to learn.

Late childhood and adolescence

As Mr. Ullah's father's health continued to improve, the undercurrent of instability that characterized Mr. Ullah's early childhood diminished. The Ullah family moved into their own apartment and the father was able to work consistently. While his father did not allow Mr. Ullah to work in his grocery store, Mr. Ullah contributed to the family income by tutoring younger students in the school he attended. Mr. Ullah's emotional and practical support bolstered the family when their resources were strained.

The sensitivity that Mr. Ullah displayed within his family also began to endear him to the community around him. Neighbors and friends who witnessed Mr. Ullah interacting with his family frequently commented to his mother on the thoughtfulness they observed in him. For Mrs. Ullah, her son's deep sensitivity was most apparent when her youngest son, [REDACTED], was born at home. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Ullah's caretaking impulses were also evident in his love of animals. The family's landlord in Dhaka often commented on Mr. Ullah's deep love of animals and was touched by the fact that he would rush home from school to care for the pigeons he was raising on the roof of their apartment building. When the pigeons had babies, Mr. Ullah spent much of his free time nurturing the baby pigeons and ensuring that they were well cared for.

Mr. Ullah graduated from high school in 2007 and enrolled as a full-time student in Dhaka City College the following year. Mr. Ullah remembers this period of his life fondly. He had a good group of friends and recalls that they did not think much about the future. Socializing was a priority for Mr. Ullah during this time, but he did not lose sight of his schoolwork and passed all of his university exams.

Move to the United States

Mr. Ullah was nineteen when he first learned of his family's intention to immigrate to the United States. Mr. Ullah's maternal uncle, Razaul Karim, had immigrated to the United States several years prior and returned home to tell stories about abundant opportunity and a welcoming Bengali community in Brooklyn. Mr. Ullah was excited about the prospect of living in America. The promise of a higher standard of living and better job opportunities made him feel hopeful about the future.

With the sponsorship of his uncle, Mr. Ullah and his family made plans to immigrate to the United States in February of 2011. Mr. Ullah remembers talking with his friends about "living the American dream," and began shopping for clothes and other necessities for his new life in America. Mr. Ullah describes it as a time of celebration and hope.

But the family's enthusiasm was shattered three weeks before their scheduled departure when Mr. Ullah's father suffered a massive stroke. The family's celebratory feelings evaporated and were replaced by sadness and uncertainty. Mrs. Ullah believes that her husband's stroke impacted Mr. Ullah more deeply than other members of the family. She recalls that, while other people came and went from the hospital where he was being treated, Mr. Ullah stayed by his father's side for the entire thirteen days that he was admitted. Mr. Ullah describes the time with his father as one of deep reflection. He recalls that his father became "like a new born baby" and Mr. Ullah was forced to reconcile a sudden shift in their family paradigm. Mr. Ullah's father, the community caretaker, the former freedom fighter and the beloved father was suddenly unable to care even for himself.

When the time came for Mr. Ullah and his family to depart for the United States, Mr. Ullah's father had stabilized enough to make the journey, but he remained significantly impaired. Mr. Ullah's arrival in Brooklyn was not the celebration he had anticipated. He describes feeling pulled between the desire to help his father at home and the need to bring in money for the household. He began working immediately with his brother, Ashan, doing construction work. While working with his brother, Mr. Ullah applied for a Taxi and Limousine Commission (TLC) license.

As Mr. Ullah adapted to his new family circumstances, he began to regain some optimism about his new life in the United States. He started a job at a Dunkin Donuts store in his Brooklyn neighborhood and planned to begin driving a taxicab when his TLC license was granted. But the hint of emerging stability did not last long; nine months after he arrived in the United States, Mr. Ullah's father was diagnosed with stage four-lung cancer and given a short time to live. The family was, once again, filled with fear, sadness and uncertainty.

Young adulthood

After his father's death in August of 2012, Mr. Ullah traveled to Bangladesh to be with his family and community in Dhaka. When he returned to Brooklyn a month later, he began driving for the TLC. Mr. Ullah recalls this time as a period of growing interest in religion. His father's illness and death had left him with existential questions that he began looking to religion to answer. Mr. Ullah wanted a deeper understanding of why Muslims fast and why they pray five times a day. He tried to educate himself about Christianity and Judaism too, and remembers that learning about all religions became an enjoyable pastime. Mr. Ullah felt grounded when he attended mosque services and tried to find a mosque that felt comfortable for him. He grew a beard because many of the men in the mosque wore them and he wanted to feel connected. But this was also a period of growing alienation for Mr. Ullah. As he struggled to find a community in Brooklyn, he became the object of increasing harassment because his new beard made him "look Muslim." When the Boston Marathon bombing occurred, in 2013, Mr. Ullah remembers a sharp increase in hostile and provocative behavior directed toward him. Mr. Ullah recalls that even his unequivocal denunciations of the Tsarnaev brothers and radical Islam did little to diminish the hatred he experienced during interactions with many people in his cab or on the street.

Compounding Mr. Ullah's feelings of isolation was the tepid response he was receiving from people in the Muslim community as he tried to educate himself about

Islam. Mr. Ullah recalls feeling deeply ashamed when other Muslims expressed surprise at the elementary nature of his questions about basic tenets of Islamic belief. On one occasion, he was humiliated before a group of men in a Brooklyn mosque when he did not know what the Islamic calendar was. To avoid feeling embarrassed, Mr. Ullah began searching for his answers online.

As Mr. Ullah felt increasingly marginalized, he also became more politically aware. Mr. Ullah describes a political awakening in the summer of 2014, during the Israeli bombings in Gaza. He was appalled by the loss of life and, for the first time, felt a profound connection to the global Muslim community (the Ummah). Mr. Ullah recalls feeling horrified that President Obama, a man he had once respected, did not take action to stop the loss of Palestinian lives. Mr. Ullah says,

“When Israel was bombing Palestine in 2014, I was hearing about it day and night on the news. I couldn’t understand how they could be killing so many innocent people. And I couldn’t understand how the US was not doing anything about it.”

When Mr. Ullah visited Bangladesh with his sister in 2014, he felt a kind of solidarity with his Muslim brothers and sisters that he had not experienced there before. Feeling unmoored in his Brooklyn community and distraught about United States foreign policy in the Middle East, Dhaka felt more like home to him than it had in the past. Mr. Ullah’s dreams of wealth and opportunity in America had been tempered by his father’s death and by his experience of rejection and Islamophobia in his community.

Mr. Ullah began to yearn for his home country. In the years following his father’s death, Mr. Ullah struggled to regain his footing in the United States. As he continued to experience harassment on the street, he felt less and less welcome in the country he had once loved. Mr. Ullah began to talk about his wish to return to Bangladesh, but the idea was consistently met with firm resistance from everyone in his family. The clear expectation was that Mr. Ullah remain in United States, whether or not he enjoyed it, to earn money for the family.

Marriage

Mr. Ullah was twenty-six years old when his mother decided that it was time for him to marry. As is the custom in Bengali families, Mrs. Ullah selected a wife for Mr. Ullah and arranged for the two to meet in Dhaka. Mr. Ullah’s future wife, Jannat ul Ferdous, was a classmate of Mr. Ullah’s sister in Dhaka. When Mr. Ullah traveled to Bangladesh in January of 2016 to meet Ms. Ferdous, he felt hopeful. Mr. Ullah’s sister-in-law, Helen

Jahan, recalls that Mr. Ullah immediately endeared himself to Ms. Ferdous and her family. Ms. Jahan says,

“Everyone used to say that the girl who married Akayed was so lucky because he is so extraordinary. After he got married, his mother-in-law said, ‘I have never seen anyone so caring.’”

Mr. Ullah returned from Bangladesh in March of 2016, after his wedding to Ms. Ferdous, feeling deeply conflicted; he had experienced a sense of connection and possibility in Dhaka with his new wife and her family, and with it, even greater pressure to provide for them by remaining in the United States. When Mr. Ullah, again, indicated a desire to return to Dhaka to be with his new family, the suggestion was dismissed outright. Rather than consider Mr. Ullah’s longing to be with his wife, the Ferdous family began demanding more money from him and criticizing him when he could not deliver. The marriage that had provided Mr. Ullah a brief sense of buoyancy and purpose became another destabilizing factor in his steady decline into depression and hopelessness.

Birth of Mr. Ullah’s son

It was against a backdrop of fraying connections to family, community and culture in the United States, and an ever-intensifying search for meaning, that Mr. Ullah’s son, [REDACTED], was born in June of 2017. Mr. Ullah was in the United States at the time of his son’s birth and it was four months before he was able to travel to Bangladesh to meet him. Mr. Ullah recalls that having a son initially felt abstract, but when he traveled to Dhaka four months after [REDACTED] birth, he experienced an internal shift that took him by surprise. Mr. Ullah felt a deep connection with his son. He describes a sort of emotional realignment that occurred during the weeks he spent with his son and his wife in Dhaka. The primacy of financial success that had once drawn him to the United States had evaporated completely and his longing to return to the safety and community he experienced in Bangladesh intensified further.

During his time with his wife and newborn son, Mr. Ullah recalls feeling a kind of clarity that had eluded him since his father died: he became absolutely convinced that his happiness depended on returning to his country of origin. Hoping that the birth of their son had shifted his wife’s feelings about his desire to return to Dhaka, Mr. Ullah proposed to his wife that he remain in Bangladesh to live with them. If remaining in Dhaka was not financially viable, Mr. Ullah suggested to his wife that they leave Dhaka for a less expensive place outside of the city. Ms. Ferdous flatly rejected Mr. Ullah’s proposal. Mr. Ullah pleaded with his wife and her family. He begged for their understanding and

pointed to his significant weight loss as evidence of his extreme distress in the United States. But Ms. Ferdous and her family were unmoved; they were angry with Mr. Ullah for even considering a return to Bangladesh and insisted that generating income in the United States was Mr. Ullah's primary responsibility as a husband, and even more so as a father. Undeterred, Mr. Ullah began looking for work in Dhaka, hopeful that their thinking would shift if he secured a job. When Ms. Ferdous learned of his job search, she was furious and called Mr. Ullah's mother to complain. When the Ferdous family informed Mrs. Ullah of her son's wish, she was also angry. Mr. Ullah recalls that the potential to make more money in the United States was the only variable that seemed to matter. Mr. Ullah's longing to be with his son was framed as a selfish impulse and his wish to live in a country where he felt welcome and understood was dismissed as unimportant.

In the emotional haze of this period, Mr. Ullah sought out a local Muslim leader who was working in a Rohingya refugee camp on the Myanmar border who invited Mr. Ullah to travel there. The suffering of Muslims around the world was something with which Mr. Ullah did not have firsthand experience and so he readily accepted the invitation. Mr. Ullah remained in the camp for one day, handing out medicine, before returning to Dhaka. While the visit was brief, the impact was profound. The widespread pain and misery he witnessed in the Rohingya camp intensified his yearning to live in a Muslim country – and, with it, his despair about life in America.

Increasing isolation

Mr. Ullah's return to the United States in October of 2017 was the beginning of a downward spiral. Mr. Ullah says about this period of his life, "I was dying. I was like a fish without water." When he arrived back in Brooklyn, Mr. Ullah discovered that his family had moved into a new apartment in a different Brooklyn community. Mr. Ullah was shaken; the move came as a complete shock to him and his new neighborhood felt alien. The new family apartment was located in a building inhabited primarily by Russian immigrants. There was no easily accessible mosque and the family was separated from the Bengali community that had offered a degree of safety and comfort in an otherwise hostile environment. The Bengali friends that frequented the family's former apartment did not travel the distance to be with them in their new location and the home felt empty. Mr. Ullah begged his family to return to their old community, but they refused.

Mr. Ullah returned to his work as an electrician but he was suffocating under his wife's constant demands for more money. Mr. Ullah's family was unsympathetic to his predicament and refused to recognize his suffering. On the street, Mr. Ullah remained

the target of unrelenting verbal abuse and was taunted and spit on. At work, his co-workers directed a steady stream of Islamophobic rhetoric toward him. Mr. Ullah says about this time,

“If I had had one friend, maybe things would have been different. But I didn’t. I felt so much pressure and I didn’t have anyone to share my feelings with. I was totally alone in America.”

It was during this period of disconnection that Mr. Ullah began to look more obsessively at videos of religious lectures on YouTube. Mr. Ullah settled into a routine: he worked during the day and then came home to sit in an apartment alcove where he watched YouTube videos alone. He wore headphones to tune out his family around him and absorbed himself in the lectures of Islamic scholars. When Mr. Ullah first encountered a video by ISIS, he describes being drawn to the economic, social and political message, but deterred by the violence. He listened to the Islamic State directive that Muslims live in a Muslim country and he even researched moving to Saudi Arabia and Oman.

In the months leading up to Mr. Ullah’s decision to detonate a bomb in the Port Authority subway station, he was bereft and felt utterly alone. Disconnected from his family, his community and his country of origin, Mr. Ullah sunk into a deep depression. He stopped eating and lost an alarming amount of weight. He stopped communicating with his family and spent all of his time watching YouTube videos in a desperate search for meaning. Mr. Ullah describes this time as a “fog” and acknowledges that his thinking became catastrophically distorted by the ideology of the Islamic State.

MITIGATING CIRCUMSTANCES

Mr. Ullah’s early life was defined by support and relative stability. The Ullah family was a close and functional unit throughout Mr. Ullah’s father’s long recovery from surgery when Mr. Ullah was a child. As Mr. Ullah’s father’s strength grew, so did the financial and emotional strength of the family. Mr. Ullah’s late childhood and adolescence was stable and happy. When Mr. Ullah learned that the family was immigrating to the United States, he was thrilled. Mr. Ullah and his family had a very favorable opinion of the United States and believed that they could build a fulfilling life here.

Mr. Ullah’s father’s stroke in January of 2011 was the beginning of a cascade of destabilizing events that occurred over the next five years. With his father’s illness and

death, Mr. Ullah lost his primary source of guidance and support. Still adjusting to a new country, Mr. Ullah was left untethered and afraid. When Mr. Ullah sought solace in Islam, he began to experience harassment from people in his Brooklyn community who became suspicious and hostile when Mr. Ullah grew a beard. When Mr. Ullah attempted to find a sense of kinship and community by returning to Bangladesh, after the birth of his son, he lost the support of his family and the family of his new wife. Increasingly depressed and isolated, Mr. Ullah turned to the Internet for guidance and answers.

It was against this backdrop of confusion and personal disconnection that Mr. Ullah began to tune into politics. When Mr. Ullah saw news coverage of the 2014 Gaza bombings, he felt appalled by the United States support of Israel's aggression and devastated by Palestinian suffering that ensued. Mr. Ullah began to feel increasingly identified with the Ummah and the persecution of Muslims worldwide. The central Islamic belief that the entire Muslim body feels the suffering of any one part began to resonate strongly with him.

The nexus of Mr. Ullah's grief, isolation, desperate search for meaning, and burgeoning political awareness left him highly susceptible to the profoundly distorted ideas of radical Islam. The mitigating circumstances outlined below contextualize Mr. Ullah's journey from a theologically and politically moderate, supportive family to his deeply misguided embrace of radical Islam in a moment of unprecedented personal isolation and vulnerability.

Father's illness and death

The illness and death of Mr. Ullah's father was an inflection point in his life. The excitement and optimism Mr. Ullah had felt in the months leading up to his immigration to the United States suddenly drained away when his father had a major stroke three weeks before he was scheduled to leave. Mr. Ullah spent all of his time by his father's side in the hospital and recalls a profound change in his frame of reference during that time. Mr. Ullah began to pray and found solace in his growing faith. The friends that had always provided him a sense of connection and support were suddenly alien to him. Mr. Ullah recalls being hurt and angry when his friends laughed and joked while visiting Mr. Ullah in the hospital, insensitive to the sobriety of the situation.

Mr. Ullah's father recovered enough to travel to the United States but his functioning was significantly impaired. He was unable to work and remained home most of the time. But despite his impairments, Mr. Ullah recalls that being in the United States elevated his father's mood. Mr. Ullah worked hard to reclaim some of the optimism he

had once felt about living in the United States, but he was overwhelmed with sadness for his father. Mrs. Ullah describes Mr. Ullah as “full of shock and despair” when he arrived in Brooklyn. Managing the abrupt cultural change while coming to terms with his father’s sudden loss of functioning was overwhelming to Mr. Ullah. His father, a man who had provided unwavering stability, guidance and direction for Mr. Ullah now required constant care. Mr. Ullah remembers helping his father dress, bathe and eat because he was unable to perform even basic daily living tasks on his own.

When Mr. Ullah’s father was diagnosed with stage 4 lung cancer nine months later, Mr. Ullah felt even more scared and adrift. Far from the familiarity of his community in Dhaka, and facing the loss of his role model and protector, Mr. Ullah began to seek meaning and solace through faith. Mr. Ullah describes attending mosques throughout Brooklyn and Manhattan in an attempt to find a place that felt comfortable and safe. He attended services in the Uzbek, Pakistani, Somali, Bosnian and Bengali communities. Mr. Ullah recalls a 2012 visit from Pope Ratzinger in which the Pope arranged for a Muslim man and a Jewish man to publicly embrace in his presence. Mr. Ullah was moved by the symbolism and sought out the mosque in lower Manhattan where the Muslim man attended services. Mr. Ullah listened carefully when he was visiting mosques in an attempt to learn as much as possible about Islam. But he recalls feeling deep shame when he began to ask his own questions and was forced to admit that he did not know basic tenets of Islam. Mr. Ullah says,

“I had experiences where I would ask questions in the mosque to try to educate myself and they would look at me like, ‘how could you not know that?’ I felt shame about it. I didn’t even know the dates of Ramadan. It felt like no one understood me. Because of this I stopped trying to learn from the community and went to the Internet instead.”

Mr. Ullah searched for answers on the internet privately. He began by reading about Yasir Qadhi because his brother and sister-in-law were followers. Qadhi, an Islamic scholar known for his critique of violent Islamic extremism, made sense to Mr. Ullah. Qadhi’s theologically moderate stance resonated with Mr. Ullah who did not condone acts of violence for any reason.

Mr. Ullah’s father remained in the hospital for one month after his cancer diagnosis. In January of 2012 Mr. Ullah’s father returned home and began chemotherapy treatment. Mr. Ullah describes this time as “touching” both because of his relationship to his father and his developing faith. Mr. Ullah says,

“I felt close to my father. I didn’t talk with him about my faith – it was private to me – but it gave me a comfort and strength while I was with him.”

With the encouragement of the Ullah family’s Bengali community in Brooklyn, Mr. Ullah’s mother made the decision to travel to Mecca with her husband before his death. The opportunity to do the Umrah (an Islamic pilgrimage to Mecca) appealed to Mr. Ullah. Umrah offered an intimate experience with his parents and an opportunity to further explore his burgeoning interest in Islam. He was still learning about Islam at the time and remembers that he did not even know how to read the Q’uran.

Mr. Ullah made the decision to leave his job and he joined his parents on their trip to Mecca. Knowing little about the Umrah ritual, the experience was unexpectedly powerful for Mr. Ullah. He recalls that it felt “like coming home.” Despite the large crowds of people, Mr. Ullah marveled at the peace he felt in the holy city of Mecca performing the ritual of solidarity with Muslims and declaring his submission before God.

Mr. Ullah’s father died in August of 2012. Without the voice of reason, moderation and inspiration that his father provided for him, Mr. Ullah became immediately more susceptible to the radical Islamic ideas he was beginning to find on-line.

Harassment in the United States

Mr. Ullah’s faith was an anchor for him after his father’s death, but as he embraced his faith, and found solace in its traditions, he began to experience something very different in the Brooklyn community where he had always felt a sense of belonging. When Mr. Ullah grew a beard, he noticed a sudden shift in the way people responded to him. Mr. Ullah remembers that people would regularly call him a terrorist. and he watched as people changed subway cars when he entered the train. On one occasion, a man ran after him with a bat, shouting Islamic slurs. Mr. Ullah remembers feeling hurt and confused by the change in the way he was being treated. He pretended not to hear the hurtful comments in an effort to avoid confrontation.

After the Boston Marathon bombings in 2013, the harassment intensified. Mr. Ullah was driving for the TLC at the time and recalls multiple hostile encounters with passengers who accused him of being a terrorist because he was Muslim. Mr. Ullah tried to de-escalate the situations by vocalizing his disapproval of Dzhokhar Tsarnaev and his actions, but he recalls that passengers often remained hostile. Mr. Ullah’s moderate

theological and political stance seemed to do little to soften these encounters and he was left feeling hurt and misunderstood. Mr. Ullah says,

“I wanted to understand other people’s views, and I wanted to make them understand that I was different – I wasn’t a terrorist. But it seemed like I couldn’t make them know that. I just felt that I wasn’t welcome here anymore.”

Mrs. Ullah was aware of the harassment that Mr. Ullah was experiencing and acknowledges her son’s increasing desire to return to Bangladesh to escape the negativity. Mr. Ullah’s brother, Ahsan describes that the “macho” culture in the construction business that he worked in with Mr. Ullah resulted in frequent verbal assaults on Mr. Ullah because of his beard. With every hostile encounter, Mr. Ullah was pushed further to the margins of his life in New York while his family remained willfully ignorant of his suffering and, instead, offered constant reminders of his obligation to remain the United States and earn income for his family.

Family relocation

As Mr. Ullah felt increasingly marginalized, his family remained inattentive to his emotional and psychological fragility. The most glaring example of this inattention occurred while Mr. Ullah was in Bangladesh and his family relocated to a different Brooklyn neighborhood without telling him. The move was profoundly destabilizing for Mr. Ullah who remembers feeling panicked when he returned from Dhaka to Brooklyn to find the family was in an entirely new community. Mr. Ullah says,

“No one told me. They never asked me, they just did it. The new apartment was in a Russian neighborhood and I felt uncomfortable. There were no mosques, no Bengali stores – nothing that was familiar.”

Mr. Ullah begged his mother to move back to their old neighborhood. Living in a Bengali community in Brooklyn was one of the only stabilizing elements in his rapidly deteriorating experience in the United States. But despite Mr. Ullah’s pleas, Mrs. Ullah was resolute in her decision and they remained where they were.

Travel to Rohingya refugee camp

At the time of his visit to the Rohingya refugee camp, Mr. Ullah felt trapped between his family’s demands that he remain in the United States and his deep desire to be in a Muslim country. Mr. Ullah was also struggling to reconcile his relative privilege with the extreme suffering around the world and he was working to fill the emotional void left by his father’s death. And throughout it all, he was feeling increasingly alienated

by his community and his family. When he arrived at the refugee camp, Mr. Ullah recalls, “The suffering was so great that I forgot my own suffering.” When he returned to Dhaka, he felt compelled to go back to the camp but his wife and her family forbade it.

When Mr. Ullah returned to Brooklyn in October 2017, he was bereft. In his increasingly desperate search for meaning, Mr. Ullah came across the work of British Islamist, Anjem Choudary. Choudary, an outspoken proponent of anti-western violence as a response to Muslim suffering, expressed strong support for radical Islamic organizations. Mr. Ullah’s fractured identity and Choudary’s writing proved to be a toxic combination. Mr. Ullah had never believed in violence as a tool for change but, in his heightened state of vulnerability, Choudary’s ideas resonated with him in the wake of his visit to the Myanmar border.

Major depression

As a radical Islamic identity formed in his mind, Mr. Ullah was the middle of a major depressive episode. In the months prior to the offense, Mr. Ullah fit all the DSM V criteria that define a major depressive episode: 1) depressed mood (sad, empty, hopeless); 2) diminished interest or pleasure in all his activities; 3) significant weight loss and decreased appetite; 4) insomnia; 5) being slowed down; 6) fatigue or loss of energy; 7) feeling of inappropriate guilt (eating when people are suffering; not living with Muslims where he can share their suffering...); 8) diminished ability to think, concentrate, or indecisiveness; 9) recurrent thoughts of death. The major depressive episode lasted for months during 2017 and interfered with Mr. Ullah’s everyday functioning. Mr. Ullah stopped eating and his extreme weight loss was jarring to the people around him. He reported difficulty sleeping and recalls ruminating at night about the suffering of Muslims around the world. Mr. Ullah spent his days doing electrical work and his evenings watching religious videos. With tenuous family connections and no friends, Mr. Ullah considered killing himself, but the thought provided no relief because of the Islamic prohibition against suicide. When Mr. Ullah began building the bomb that he ultimately detonated in the Port Authority subway station, he was in an unprecedented state of confusion, disconnection and desperation.

CONCLUSION

Mr. Ullah first encountered fundamentalist Islamic theology at a time of extraordinary personal fragility. The moment was a perfect storm of risk factors for Mr. Ullah: alienation from family and friends, severe depression, grief, direct exposure to the indescribable pain and suffering of Muslim refugees in Myanmar, and relentless harassment from people in the United States. Mr. Ullah was unmoored and desperate for

answers. His love of the United States and its values had withered in the wake of his father's death and the subsequent unraveling of his support systems. Mr. Ullah tried to reconnect with his community in Bangladesh and attempted to return to his country of origin where he felt safe and understood, but his efforts were blocked at every turn. As Mr. Ullah's path to fulfillment continued to narrow, his desperation increased and he became increasingly vulnerable to the deeply distorted values of radical Islam.

Thank you for your consideration of the mitigating circumstances outlined in this report.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Erik Mercer', with a stylized flourish extending to the right.

Erik Mercer, L.C.S.W.

REFERENCES

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EXHIBIT B

Dear Honorable Judge Sullivan,

Assalamu alaikum (peace be upon you). I'm the despaired mother of Akayed Ullah. I couldn't find any words to articulate the way I feel today. Because of my depression and anxiety, I am not thinking clearly. More than one year has passed that Akayed's not with me. I keep myself busy with prayer, in the hope that God's mercy would allow my son to see freedom again one day. I feel helpless without him here, not knowing if he will be okay.

Akayed has always been a loving and doting son. When my husband died from lung cancer Akayed consoled me like a child is consoled when they fall. Akayed now has his own son, who is only two. For that little child, I ask you to please be lenient with Akayed.

My family moved to the United States in 2011. Akayed and his siblings live with me in the same building in Brooklyn. Akayed would sometimes tell me "I will go to Bangladesh and start a business over there." I told him first to earn some money then go to Bangladesh. A few years ago I noticed a change in Akayed. Suddenly Akayed stopped eating, talking, he became sleepless. I could tell by he was depressed by the way he appeared. Slowly he began to eat in less quantity, keep things to himself. He wouldn't share his despairing state and I would get tense and worried. When I noticed his distress I told Akayed he should visit his son in Bangladesh to feel better. I didn't know what to say to help my son out of his despair.

When I learned about what Akayed did I was in disbelief and utter shock. To this day I cannot comprehend what happened, or how it happened. I never saw anything aggressive or violent in Akayed. From his childhood to this day, he had no bad habits, no aggressive behaviors. He always shares his feelings and everything with me but I don't know what happened this time. I cannot imagine what he was thinking or feeling. Respected Judge, I have only ever known my son, to be honest, hardworking, with such a good heart. As his mother, I feel great remorse for the event.

I feel alone without Akayed here. After my husband passed away Akayed stood by me. Now I have no comfort or solace. Please, Your Honor, I ask you to think of his mother and his young son. Please give Akayed a chance to return to his family. At least his two-year-old son's life will be fulfilled with his father.

Thank you,
Dilruba Begum

EXHIBIT C

Honorable Judge Sullivan:

My name is Liakat Jahan. I am Akayed Ullah's younger sister. I know how difficult a decision you have in front of you. I know that you have to be fair in your decision. I hope that you decide to spare Akayed's life.

I do not understand what happened on that day in December. In my heart, I struggle to match the incident to the person. The Akayed Ullah I know is my second father, my guardian, my shelter, my support, and my closest friend. Akayed is an affectionate and kind person. When we were younger, our financial situation was very poor, so we would have to save pennies for months to buy a toy, comic book, etc. Sometimes he would go to the Bazar to buy himself a toy car, with the money he saved for months, rather he would buy my favorite hairband and come home with it so I can be the happiest kid. I grew up watching Akayed always helping people—whether they are poor or old or young. In Bangladesh there are lots of beggars, whenever a beggar would come to Akayed for money, he would buy them food, sit next to them, joking with them, making them laugh. While everyone despised beggars, he never distinguished people rather embraced them with kindness and humor. He was respectful to our parents. He would not make any decisions on his own, especially not without asking my mother first.

Akayed was my mother's best friend after we lost our father. My mother used to cry constantly when my father passed from cancer. Akayed used to console her. He was our main support during this very difficult time. Akayed is naturally very gentle. He is very fond of kids. He is affectionate towards children and always used to play with my baby after work. He used to sing to my baby to make her calm. This is the Akayed I know.

When Akayed used to work for a car service, he would pick up and drop off our mom from her doctor's appointments. If my mother told Akayed to pick her up from the doctor's office, even if he was far away in Queens, he would come to pick my mom up. He was always grateful for us and would drop everything for his family.

Akayed also has his own family. A loving wife and adorable baby boy. His wife is waiting for him in Bangladesh, she has a big hope that one day her husband will be by her side. His wife is hopeless, waiting for Akayed to return to her. His two-year-old son has already started learning, walking, and talking. His son wants to see his dad even if it is on video chat, he wants to hear his

dad's voice. His son's life just started. Every baby needs both their mother and father's support. I was twenty-one years old when I lost my own father. I cannot imagine what it will be like for Akayed's son to not be reunited with his father again.

Having a brother like Akayed I always felt blessed and secured. Now every single moment I feel I am helpless without him. I sincerely request that you give Akayed a second chance at life. You're not only giving him a second chance. You're giving everyone in his family a second chance. My sincere request is to please be merciful with Akayed. He can learn from his wrongdoings. Thank you for taking the time to read this letter.

Sincerely,

Liakat Jahan

EXHIBIT D

Dear Honorable Judge Sullivan,

Each letter tells a different story. Each individual narrative of a person is different, isn't? I am Ayfa, Akayed's youngest sister. Your Honor, this decision you will make regarding Akayed's case is of deep importance to our family. This decision will determine if Akayed is worthy of seeing his child again, worthy of reuniting with his old inconsolable mother, who cries for her son day and night hoping that a miracle might spare his life. Your decision will determine whether Akayed is able to see his heartbroken wife, who had only just started to explore the world of happiness with the man she loved affectionately.

Growing up, Akayed was always a joyful and free-spirited kid. I remember when I was eight and my sister was thirteen, we had a group of pigeons in our balcony. Akayed loved those birds like a parent who loves a child, like most of the dog owners, love their dogs. He loved rock music, he even had his ear pierced and had drums and guitars in our home. At this point in his life, he wanted to be a musician, naive and content with his existence. He was always a gentle and doting brother. During festivals Akayed and I would open a greeting card installment cart around the block, fully enjoying ourselves with friends. Later when Akayed received his first paycheck I remember he took us to KFCC Restaurant for dinner, which seemed like a luxury for middle-class people like us.

The news of what Akayed did completely turned my life around. I couldn't understand it. We watched horrifying news on the media, but never have we ever thought this appalling occurrence could be part of our reality. To this day, I cannot match the brother I know to the man behind those bars. But I do know his true characteristics: soft, generous, peaceful, with a free-spirited mind. The brother we know was always full of laughter and this image of him still lingers in my eyes. I wish I could ask him at his moments of despair: What happened? What happened, brother? I wish I could give him a shoulder to lean on in his deepest dispirited moments of life.

The beautiful life my brother and his wife desired to create together with hard work and commitment now have become a painful torment for both. This terrible incident has been traumatizing for Akayed's family members, especially his mother. He was always there for people

in need regardless of their faiths, beliefs, and standards. He considered others' best interests, sheltered our mother from her grief and pain after our father perished from cancer.

The Akayed we have known for years is in complete contrast to what he has done. In the past few years, Akayed did not know how to climb out of his own despair. He was depressed and hopeless. He did not have a figure to console his own grief after losing his father and favorite nephew in the family. I think that these traumatizing events led to his distress. The constant pressure of staying strong and providing for his mother in this country and being the sole provider for his wife and son in Bangladesh pushed him towards depression and vulnerability. This depression played a role in his actions.

Your Honor, I appeal to you to give my brother a second chance at life. I hope he is worthy of mercy and deserves a second chance to repent. Your decision will affect not only his life but the family around him who love him and need him back. Please, my purest request is for you to spare my brother's life, give him another chance to be the father and husband he intended to be.

Sincerely,

Ayfa Hayat

EXHIBIT E

Honorable Judge Sullivan,

My name is Jannatul Ferdous Jui. I am Akayed Ullah's wife. We have a child together. He is now two years old. We live with my parents in Bangladesh. My English is very weak. I can't express my feelings in English fluently. But I think you can understand my pain. I haven't seen my husband for a long time. I don't know how I am alive. How badly I want to see him. I can't express these emotions through words.

I married Akayed in 2016. We both belong to ordinary families and are very ordinary people. After my wedding my life became colorful. Akayed's family is well educated, they are decent and very social. Akayed has a good relationship with everyone in my family and loves them dearly. He is responsible to his family and always has made sacrifices to provide for us. Every person loves Akayed's personality when they meet him. He is a very modest, polite, simple, and true hearted person.

Akayed has no bad reports in Bangladesh. He spent many years here. I never saw Akayed hurt anyone with his behaviors or words. If anyone hurt him, he forgave them. Sometimes I hurt Akayed by saying harsh words to him, but he never got angry with me. He never hurt me. This gives so much pain now that he is gone. I realize how valuable Akayed is to me. Now that he is not with me my life has become a disaster. I cannot comprehend how this incident happened. I never saw Akayed be aggressive or hurtful, I know how soft hearted he is. I don't even believe this could be happening in our life.

We were once happy in our life together. Akayed was happy. He is very much a family person. We have dreamed so many things about our family. Like every couple we also wanted to live happily and start a family. Whenever he visited Bangladesh Akayed gave his full time to me.

We went for walks, going to eat outside. Most of the time we stayed at home and talked a lot. He is the best husband to me.

Akayed loves children a lot. He cherishes his younger brother and nephew a lot. I always imagined how much he will love his child. When our son was born he was so happy. He visited us in Bangladesh in September 2017 for one and a half months. For this short time my child got his father. The entire time Akayed stayed with him. He played with him, fed him, and changed his diaper. I saw Akayed so happy. And he returned to America happily. But I know Akayed missed us a lot. He wanted to stay with us. He wanted to hug our son again. But now he doesn't get to see his son.

My child calls for his father all the time. He roams the whole house saying "Baba Baba" as if he searches for his father. He can't ask anyone where his father is. How painful this is for me. How can I explain to him why his father doesn't return? I always knew how much Akayed loves his child. But now he doesn't get to show his son affection.

Akayed and I had so many dreams together. We wanted to spend our whole life together. Now I feel lost and always tired. I don't want to do anything alone. I am sick mentally day by day. Akayed is not getting his punishment alone. We as his family are also being punished. We lock ourselves in our house. We don't go outside except for emergencies. My child wants to go outside and play with his father. He is suffering. Akayed is also very devoted to his mother. Please give his mother a chance to get her son back.

We don't have any social life now because of my child's last name. All the time my son looks outside through the window. Sometimes he sees our neighbor's child in their father's lap. He stares at them curiously. I know he wants to play in his father's lap. He also wants to feel his

father's love. Your Honor please be merciful to Akayed for our son. Every human needs a chance at redemption. Our life is connected with Akayed. Don't destroy our life. I am valueless without him. I feel helpless without him.

I don't want to stay a single moment without Akayed. I am dying every day. I want to go back to my happy days. Our whole family was so happy when our son was born. So many plans we made for our son. Now my son will be without his father's love. Our family is in a great shock. We forget to smile.

I want our son to get both father's and mother's love in his life. He is so little. I know Akayed did something wrong. Every person in our family is suffering for it. Please give him a chance to lead a better life with his family. Please give Akayed an opportunity to arrange his life in a better way. Send him back permanently in Bangladesh. He will stay here with us.

I don't want to cry anymore. I don't want any sad tears. I want to see Akayed again desperately. I want to see how my son runs to his father and hugs him tightly. We are all hoping to reunite with him once more. I humbly request you allow Akayed to live with us. In our belief "if anyone saved a life, it would be as if he saved the life of the whole of mankind." Please be kind to him and judge him softly.

Sincerely,

Jannatul Ferdous

EXHIBIT F

Dear Honorable Judge Sullivan,

I am Mahfuza Akter, mother-in-law of Akayed Ullah. Akayed Ullah is my only son-in-law. After the marriage he won everyone's heart in our family and he especially won my heart with his behavior and nature. He is very much a simple and soft-hearted person. He did not have any bad habits at all. In our family, everyone was so happy to welcome him as our family member. Akayed is like an elder son to me and he's beloved to everyone. He respected me as his mother in law. I cooked for him, I fed him, he was always appreciative. He loved my cooking. I miss those times and wish I could see him again. My whole family misses him.

My daughter Jannatul was always so content with Akayed. I saw her and my grandson so happy together with Akayed, laughing and playing around. When Akayed became the father of a son his happiness was boundless. He had a lot of dreams for his son. He never hurt, not even shouted to my daughter or my grandson. Akayed wanted to give his son everything he deserved.

Now I have to see my family in pain. I don't know what to do. My grandson gives me a sad-eyed look. This tears out my heart. I can't bear it. Akayed is a family person full of joy and dreams. His son wants him back, we all want him back. We can assure you he is remorseful and just wants to see his family again. Please let Akayed come to us, let him come to his son.

Akayed Ullah is human. He wants a life full of joy. He's not receiving punishment alone. We are also living our life as prisoners without him. His life is connected to my daughter's and my grandson's. We don't want to live our life without Akayed here with us.

Sincerely,

Mahfuza Akter

EXHIBIT G

Dear Judge Sullivan,

I am Zulfikar Haider and I am the father-in-law of Akayed Ullah. Akayed is a very simple, honest and soft-hearted person. After Akayed and my daughter got married we all lived together in the same house in Bangladesh, and I never saw any bad things in Akayed's character. Akayed has remained committed to my daughter, and after marriage, he came to visit Bangladesh twice. He last visited Bangladesh on 7 September in 2018. At that time my daughter gave birth to a boy. Akayed was incredibly happy to see his son and was overjoyed at being a father.

My grandson is now deprived of his father's love. He is growing up only able to see his father's picture. My daughter is also deprived of her husband's love, my daughter cries all day, I never see her happy. She loves and misses her husband very much, her life is stuck in one place, she is in a stage of emotional weakness. I am her helpless father. I have to see my daughter suffer in pain in front of my eyes every day. Her mother and I cannot endure this pain.

My wife is a heart patient and has been bedridden worrying about Akayed. I am old and sick, we both have reached the end of our lives. I want desperately to see Akayed before I die. There is no one who can take care of my daughter and grandson beside us. I know that what Akayed did was wrong and that he must take responsibility. I humbly request that you be merciful with Akayed for the sake of his family. Please be kind to him, give him a chance to correct his life with his wife and child. Please give him back to us, please help us. This is a father's last wish. To see his family happy.

Sincerely, Zulfikar Haider

EXHIBIT H

Dear Honorable Judge Sullivan,

I am Salma, a friend of Jannatul Ferdous. Akayed Ullah is like my elder brother. I have known him since 2006 because his sister is my dear friend. I have a close relationship with his family. Growing up I went to Akayed's house to study with his sister and I frequently saw him. He was always kind to me. He was a generous, gentle, honest, soft-hearted and religious person. After he married one of my best friends Jannatul Ferdous, I got to know Akayed even better. Jannatul was so happy with him which shows in her eyes. She would always talk about her husband, 'Akayed is this.' 'Akayed is that.' Indeed Akayed is a wonderful husband with lots of love and compassion. He treats his wife like a queen.

After the birth of his son, I saw a new side to Akayed. He was such a loving father to his child. Whenever I went to visit Jannat's house, I saw Akayed playing with his son in his arms. He is the most loving father I have ever seen in my entire life. And he is also one of my favorite persons. He has an amazing character which attracts everyone.

On 12th December 2017, when I heard the news about the arrest of Akayed, it stopped my breath for a second. I couldn't believe my eyes what I was seeing in the news. At that moment, there was only one thing which comes in my mind: how is Jannat? Does she know the news? I ran to her house. Seeing her in that devastated and shocked condition, my heart was broken. Since that moment I have not seen Jannatul laughing openly. Once upon a time, she used to be a cheerful girl but now she is completely different. She has locked herself in a room. She never speaks with anyone. We used to go out together, shopping together, we laughed, and we shared our emotions. But nowadays she never goes out. Always cries to herself. I feel helpless. I don't know how to help her situation. She has a baby boy who is so cute and adorable. While he plays in the house he

calls out for his father (“Baba Baba”), and I feel so bad for him. I feel so helpless that I can’t do anything for my best friend and her son.

I don’t know what will be your decision, but I have a strong appeal to you. Please be kind to this family. Please make a humane decision that you won’t regret. Please let Akayed return to his family.

Sincerely,

Salma

EXHIBIT I
REDACTED
